

**9-304. Bail bond.**

*[For use with Rule 5-401 NMRA in the District Court,  
Magistrate Court Rule 6-401 NMRA,  
Metropolitan Court Rule 7-401 NMRA and  
Municipal Court Rule 8-401 NMRA]*

STATE OF NEW MEXICO  
[COUNTY OF \_\_\_\_\_]  
[CITY OF \_\_\_\_\_]  
\_\_\_\_\_ COURT

[STATE OF NEW MEXICO]  
[COUNTY OF \_\_\_\_\_]  
[CITY OF \_\_\_\_\_]

v.

No. \_\_\_\_\_

\_\_\_\_\_, Defendant

**BAIL BOND**

We, the undersigned, jointly and severally acknowledge that we and our personal representatives are bound to pay to the [State of New Mexico] [City of \_\_\_\_\_] the sum of \_\_\_\_\_ dollars (\$\_\_\_\_\_).

The conditions of this bond are that the above-named defendant is to appear as required in accordance with any and all orders and directions relating to the defendant's appearance in the above-entitled matter as may be given or issued by the court or in any other district or appellate court to which the defendant may be removed or the cause transferred, including any bind-over or subsequent indictment of the defendant in the District Court for offenses arising out of the

transaction or event for which this bond is given.

If the defendant appears as ordered, then this bond is to be void, but if the defendant fails to appear as required by this bond, payment of the amount of this bond shall be due forthwith. Forfeiture of this bond for any breach of its conditions may be declared by any court having cognizance of the above-entitled matter at the time of such breach; and if the bond is forfeited and if the forfeiture is not set aside, upon motion, judgment may be entered against each debtor jointly and severally for the amount above stated, together with interest and costs, and execution may be issued and payment secured as provided by law.

By executing this bail bond the sureties submit to the jurisdiction of the court and irrevocably appoint the clerk of the court as their agent upon whom papers affecting their liability may be served.

IT IS AGREED AND UNDERSTOOD THAT THIS IS A CONTINUING BOND WHICH SHALL CONTINUE IN FULL FORCE AND EFFECT UNTIL SUCH TIME AS THE DEFENDANT IS FOUND GUILTY OR NOT GUILTY. THE BOND GUARANTEES THE APPEARANCE OF THE DEFENDANT.

This bond is signed on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_.

\_\_\_\_\_  
Signature of defendant

\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature of surety

\_\_\_\_\_  
Address

\_\_\_\_\_

\_\_\_\_\_

Signature of surety

Address

### JUSTIFICATION OF SURETIES

*(Not to be completed if surety is a corporate surety licensed to do business in the State of New Mexico)*

We, the undersigned sureties on oath say that we, \_\_\_\_\_ of \_\_\_\_\_ and \_\_\_\_\_ of \_\_\_\_\_, each own [real] [personal] property in the state having an unpledged and unencumbered net value in excess of the sum of \_\_\_\_\_ dollars (\$\_\_\_\_\_). We further say \_\_\_\_\_.

\_\_\_\_\_  
Signature of surety

\_\_\_\_\_  
Signature of surety

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, personally appeared before me in the above-named [county] [city] of the State of New Mexico \_\_\_\_\_ and \_\_\_\_\_, known to me to be the persons described in and who on their oath executed the above and foregoing justification and acknowledged to me that they executed the bond as their free act and deed.

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Notary public

Approved:

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Judge or authorized person

#### **USE NOTE**

1. If the surety is married, both spouses must sign the bond unless it is demonstrated to the court that the property is not community property. *See* Section 40-3-4 NMSA 1978.)

[As amended, effective May 15, 1991; as amended by Supreme Court Order No. 07-8300-29, effective December 10, 2007.]